

Subject: DeVito v. Neiman et al., EDNY Case No. 29-cv-05099

From: Levi Huebner Esq <newyorklawyer@msn.com>

To: "joshua@bromberglawoffice.com" <joshua@bromberglawoffice.com>

Cc: "brian@bromberglawoffice.com" <brian@bromberglawoffice.com>

Mon, 20 Apr 2020 23:06:59 +0000

Dear Joshua:

It was a pleasant surprise to receive your phone message and email this day. Please be advised that while I would object to any subpoena directed to the undersigned, though you have the physical ability to attempt obtaining information via a subpoena directed to the undersigned, please be further advised, that even if issued, same would be fruitless.

Mr. Shmuel Klein "MSK" who I knew from the neighborhood had initially contacted me regarding my representation of RFC Distributors Inc. ("RFC") and one Mr. Barry Klein ("MBF") wherein, I would represent RFC and MBF. As such, MSK acting solely as the agent of RFC and MBF limited to authorizing me to file a Notice of Appearance requested that I file a Notice of Appearance. Wherein, on March 5, 2020 I filed a Notice of Appearance for MBK and RFC [ECF 43]. MSK was supposed to have scheduled a meeting with myself and MBK to further discuss the case. Unfortunately, the Covid-19 crisis occurred and importunately, such the meeting never occurred. Subsequently, I learned from community members that, sadly, on or about April 4, 2020, MSK had passed away due to complications from Corona Virus.

As such I have not had a meeting with or been able to meet MBF or any representative of RFC.

Thus, at this juncture, I have no further information to furnish regarding MBF of RFC. Furthermore, I am not sure of my status regarding further representation on behalf of RFC or MBF as neither has executed a retainer with my office. Additionally, I am not even sure how my firm would withdraw from representing RFC and more particularly MBF, since, I do not have sufficient information allowing my office to serve MBF.

Ironically, at this juncture, it seems that your office and my office are facing the identical dilemma regarding service upon MBF.

Thank you for your consideration in this matter. Please feel free to contact the undersigned with any questions.

Very truly yours,

Levi Huebner

Levi Huebner & Associates, PC

Attorneys and Counselors at Law

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From: joshua@bromberglawoffice.com <joshua@bromberglawoffice.com>

Sent: Monday, April 20, 2020 1:07 PM

To: newyorklawyer@msn.com

Cc: brian@bromberglawoffice.com

Subject: Re: DeVito v. Neiman et al., EDNY Case No. 29-cv-05099

Dear Mr. Huebner,

I am following up on the below. I have also left you a voice message. We need to resolve service of Mr. Klein before we can move on with the case. In addition, the stipulation we previously agreed to now includes old dates and will need to be updated. Please advise whether you are now authorized to accept service on behalf of Mr. Klein. If we do not hear from you by 4:00 p.m. tomorrow we will write to Judge Levy and request permission to subpoena Mr. Klein's personal information from you in order to effectuate service.

Thank you,

Joshua

----- Original Message -----

From:

joshua@bromberglawoffice.com

To:

<newyorklawyer@msncom>

Cc:

<brian@bromberglawoffice.com>

Sent:

Tue, 07 Apr 2020 14:29:28 -0700

Subject:

DeVito v. Neiman et al., EDNY Case No. 29-cv-05099

Dear Mr. Huebner,

I am writing on behalf of my client, Robert DeVito, to follow up on our earlier email correspondence concerning the above-captioned matter. We previously agreed to a stipulation whereby Mr. DeVito agreed to lift the default against your client, RFC Distributors, and you agreed to accept service on behalf of your other client, Barry Klein. You then told us that you needed confirmation from your client before we could file that stipulation. We have not heard from you since despite sending follow-up emails. Please advise whether you are authorized to accept service on behalf of Mr. Klein. Given the amount of time that has passed in this case, if we cannot resolve service of Mr. Klein shortly, we will have little choice but to seek Judge Levy's permission to obtain Mr. Klein's personal information through subpoenas. We would prefer to avoid that outcome if possible.

Thank you,

Joshua

Joshua Tarrant-Windt

Associate

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